IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No. 11779 of 2007
With
CRIMINAL MISC.APPLICATION No. 11788 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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AMIT VINODBHAI SONI - Applicant(s)
Versus
STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :
MR PR ABICHANDANI for Applicant(s) : 1,
PUBLIC PROSECUTOR for Respondent(s) : 1,
MR YOGESH S LAKHANI for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 24/10/2007

ORAL JUDGMENT

These applications have been filed seeking

quashing of two criminal complaints produced at Annexure A to the respective petitions. Broadly stated, the allegations made in the complaints are that the accused made some phone calls/SMSs to a girl Vishali and to her uncle. In the phone calls/SMSs the accused used to harass the persons and also used inappropriate language.

2. In the petitions, it has been stated that the issues have been settled between the parties. On that basis, I had issued rule and kept the matters for further hearing today. Learned advocate Shri Lakhani appears for the concerned persons, who are respondent No.2 in both the petitions. He also agrees that the complainants would not like to take a serious view of the matter looking to the age of the boy and the fact that he has apologised for his impertinence. A copy of the affidavit filed by the accused is taken on record.

3. Learned advocates appearing for the parties jointly point out that the boy has now been rejoined with his parents in Gandhidham.

4. Considering the overall facts and circumstances and in view of the fact that the accused is a young boy aged about 21 years and looking to the allegations made in the complaint, no serious view need to be taken particularly when the issues have been amicably settled between the parties. The petitioner is directed to file an

undertaking before this Court that such instance will not be repeated in future and such an undertaking will be filed within a period of two weeks from today.

5. In view of the above developments, both the complaints produced at Annexure A to the petitions are quashed. Rule is made absolute.

Copy of this order be retained in both the files.

Direct service is permitted.

(Akil Kureshi, J.)

(vjn)